

## **REMARKS**

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

### **I. Status of the Claims**

Claims 1-23 are pending in this application. Claims 2, 3, 5 and 13-22 have been withdrawn from consideration as being directed to a non elected species or invention. Notwithstanding this fact, claims 2, 3, 5, 13-16 and 18-19 (directed to non-elected species) have been amended for clarification purposes since, as presented below, Applicant believes that these claims will be allowable as being dependent on an allowed claim. In The Office Action mailed on January 5, 2004, claims 1, 4, and 6-12 were rejected under 35 U.S.C. §§112, 102, and 103. Claims 1, 4, and 6-12 have been amended and claims 24-26 have been added.

### **II. Rejection Under 35 U.S.C. § 112**

The Examiner rejected claims 1, 4, and 6-12 under 35 U.S.C. §112. Applicants have amended claims 1, 4, and 6-12 to address the issues raised by the Examiner. With respect to claim 8, the Examiner stated that the term “flexible” as used therein is unclear. Applicant respectfully disagrees. Applicant submits that the ordinary meaning of term “flexible” is clear. As set forth in *The American Heritage® Dictionary of the English Language, Fourth Edition*, flexible means “capable of being bent or flexed; pliable.” Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §112 be withdrawn.

### **III. Rejection Under 35 U.S.C. §§102 and 103**

The Examiner rejected claims 1, 4, and 6-12 under 35 U.S.C. §102 and/or §103 based on one or more of Basile, United States Patent No. 3,835,578, Ishihara, United States Patent No. 4,974,725, Aries, French Patent No. 1602397, and Warberg, United States Patent No. 6,337,081.

Claim 1, as amended, recites “a closed container having an odoriferous composition therein, said composition comprising a carrier material and a liquid animal product mixed with said carrier material, said container being formed from a thin sheet material which is pervious to the passage therethrough of gas and impervious to the passage therethrough of liquid.”

Basile describes a method for treating soil controlling termites in which metal receptacles containing an insecticide are distributed in to the soil. Over time, the metal containers corrode, thereby releasing the insecticide. Ishihara describes a container for producing a deodorant, scenting and/or repellant effect including a water impermeable, gas permeable envelope that holds a water-absorbing synthetic resin powder 8 and a organoleptically active substance powder 9. Ishihara further states that “[t]he powdery deodorant is not limited to any particular species buy [sic] may be a porous substance, for example coral having deodorant activity. A perfume or repellant may be borne on such porous substance or some other known porous substance as a carrier therefor.” Col 3, lines 25-20. Warberg describes a rodent repellent system including a container 20 holding a cellulose fiber such as corn cob chips and a fragrance oil having a woodsy floral blend retained by the corn cob chips that repels rodents. As noted by the Examiner, Aries describes thin plastic containers of sheet material holding volatile attractants/repellants.

None of the cited references, however, teach or suggest a “a closed container having an odoriferous composition therein, said composition comprising a carrier material and a liquid animal product mixed with said carrier material, said container being formed from a thin sheet material which is pervious to the passage therethrough of gas and impervious to the passage

therethrough of liquid” as required by amended claim 1. Accordingly, Applicant respectfully submits that claim 1 is allowable over the cited references. In addition, because claims 2-16, 18-19 and 24-26 depend, either directly or indirectly, from claim 1, Applicant respectfully submits that they are likewise allowable over the cited references.

#### **IV. Information Disclosure Statement**

Applicant notes that an Information Disclosure Statement was filed by the Applicant with the originally filed application. That Information Disclosure Statement cited the references discussed in the “Background” section of the present application. The Form 1449 filed with the Information Disclosure Statement has not been initialed and returned by the Examiner. Applicant respectfully requests the Examiner to initial and return the Form 1449 (a copy is enclosed herewith).

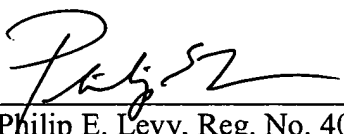
#### **CONCLUSION**

Based on the foregoing remarks, Applicants respectfully submit that claims 1-16, 18-19, and 24-26 are in condition for allowance.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

METZ LEWIS LLC

By   
Philip E. Levy, Reg. No. 40,700  
Metz Lewis LLC  
11 Stanwix Street, 18<sup>th</sup> Floor  
Pittsburgh, Pennsylvania 15222  
Attorneys for Applicant

(412) 918-1100